

**REMARKS**

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e. Claims 1, 3-9, 11-15, 17-19 and 21-24).

Initially, the Examiner rejected claims 7 and 8 for being substantial duplicates of one another. Applicant has amended claim 8 to depend from claim 1 and to include the limitation that the ions released are silver ions.

The Examiner went on to reject the claims as being anticipated by either U.S. Patent Nos. 4,849,223, 5,180,585, 6,113,993 and 5,685,306. Applicant has amended independent claims 1 and 22 to include the requirement that the implant be metal and the surface be polished with the polished implant being coated with a layer having antimicrobial effects. Such is taught in the specification in paragraphs 18 and 19. None of the prior art cited by the Examiner teaches coating a polished implant with a coating having antimicrobial effects.

In paragraph 4 of the Office Action, the Examiner indicates that *Pratt et al.* U.S. Patent No. 4,849,223, in column 4, lines 8-13, teaches that the surface of the device can be smooth. However, lines 8-13 states that a thin top coating of polymer may be applied to give improved surface smoothness. This statement does not teach or suggest that the underlying metal surface should be polished and then the antimicrobial coating applied. It is applicant's position that none of the prior art cited by the Examiner either teaches or suggests the coating of a polished metal implant with a layer of material having antibiotic properties such as being able to release silver ions.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: September 29, 2003

Respectfully submitted,

By 

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